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C O N F I D E N T I A L SECTION 01 OF 02 VILNIUS 000751

SIPDIS

STATE FOR EUR/NB AND EUR/UMB

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TAGS: [PREL](#) [PGOV](#) [EAID](#) [BO](#) [LH](#)

SUBJECT: WHEELS GRIND IN DETAINED BELARUSIAN COURIER CASE

REF: VILNIUS 732

Classified By: Political/Economic Officer Alexander Titolo for reasons
1.4 (b) and (d)

SUMMARY

1. (C) The GOL is keen to resolve the case of a Belarusian courier detained while carrying undeclared cash for an NGO in a manner consistent with its laws, while not undermining its own support for democratic change in Belarus. The GOL is focused on two challenges: resolution of the case, and disposition of the money. Both of these issues necessitate a large measure of delicate GOL interagency coordination, which to this point has not been achieved. This drama will likely rise to the highest levels of the Government, and could drag on for some time. END SUMMARY.

LEGAL SITUATION

2. (C) We met with Anna Gerasimova on July 18 at the Embassy. Gerasimova is a Belarusian courier for the International Research and Exchanges Board (IREX) who was detained on July 8 by Lithuanian Border Police at the Lithuania-Belarus border while carrying US\$25,000 in undeclared funds (reftel). After Gerasimova had spent several days in jail, GOL authorities agreed to release her into the custody of her court-appointed attorney. She had just come from a brief court hearing at which she was required to confirm the authenticity of the original statement she gave to investigators. The next step in the legal process will be a trial currently slated for August 9. She said that from what she has been told by GOL officials, she expects the court to impose a fine (which would imply a conviction), but not imprisonment.

3. (C) MFA Undersecretary Albinas Januska on July 19 assured CDA that Gerasimova will not need to serve any additional jail time. Januska stated that the MFA was engaged in conversations with the prosecutor's office with the goal of finding a solution obviating the need for a trial. He said that the issue has the attention of the highest levels of the Government, and that the MFA was waiting for Prime Minister Brazauskas to return from vacation on August 1 to help settle the interagency deadlock. Januska predicted that this case could drag on "into the autumn."

DISPOSITION OF THE MONEY

4. (C) Januska said that the Financial Crimes investigators transferred the seized funds to the government treasury, in accordance with Lithuanian law. He stated that the MFA fully understands that the money comes from USAID, and is working within the GOL to see how they can return it to IREX or the USG. However, the MFA does not have the authority to simply disburse US\$25,000. Januska said the MFA is trying to convince the Ministry of Finance to appropriate US\$25,000 to replace the seized funds. He said this issue may also require a decision from the Prime Minister.

CLARIFICATION OF CHAIN OF EVENTS

5. (C) Gerasimova told us that, contrary to prior reports, she had the money on her person, not hidden in the car. As such, the Lithuanians saw no reason to hold the other two individuals traveling with her, who claimed no knowledge of the money. They both returned to Belarus without incident.

MINSK REGIME AWARE OF ARREST

6. (C) Gerasimova said that the Lithuanian investigators contacted their Belarusian counterparts the morning after her arrest, disregarding her request not to. She said that the Lithuanians seem to have gotten the message since then that

their own Government did not want to draw attention to the case, and are now saying nothing to the Belarusian Embassy in Vilnius beyond the fact that she is involved in legal proceedings here. Gerasimova told us that the GOL is presently in contact with Belarusian law enforcement institutions in order to confirm that she does not have a criminal history in Belarus. She described this as a necessary step in preparing for her trial according to Lithuanian law.

GERASIMOVA'S FUTURE

17. (C) Gerasimova said she is concerned that if she is convicted and the records of the case are made public, she would face harassment or worse from the Government of Belarus once they connect the dots from her to IREX. She believes that if the charges are dismissed, the GOB will have no reason and no excuse to pay extra attention to her upon her return. She said she intends to return to Belarus after her situation in Lithuania is resolved.

18. (C) Januska opined that Gerasimova should not return to Belarus, but rather apply for asylum in Lithuania. CDA informed him that she had every intention of returning to Belarus, as she told us in our meeting. He expressed alarm at this notion. Januska suggested that the GOL and the USG consult with their respective missions in Minsk to ensure that it will be safe for her to return, and revisit the issue in the future.

COMMENT

19. (C) Januska's assessment that no swift resolution is in the offing indicates that the GOL's interagency has not yet found a solution that meets its dual needs to uphold the law and prevent a diplomatic mess. We still believe the GOL will move forward in resolving this case, mainly because the MFA, and the GOL in general, stands to lose credibility as a regional advocate of democracy if the Minsk regime is able to manipulate Gerasimova's situation to its own advantage. We will continue to work through the MFA to ensure that the varied USG interests at stake in this case are protected.
Kelly